



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2019

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

Tr.C.M.P(MD)No.238 of 2019

and

C.M.P. (MD) No.5528 of 2019

G.Kalarani

... Petitioner

Vs.

K.Karthikeyan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in O.P.No.98 of 2019 on the file of the Family Court, Trichy and transfer to the file of the Subordinate Judge, Sivakasi, Virudhunagar District.

For Petitioner : Mr.S.Selvakumar
For Respondent : No appearance

J U D G M E N T

This Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of the proceedings pending before the Family Court, Trichy in O.P.No. 98 of 2019 to the file of the Subordinate Court, Sivakasi, Virudhunagar District.

2. The petitioner would submit that she had married the respondent on 13.09.2007 and after her marriage, had settled at her marital home and she was tormented with great deal of torture at the hands of her in-laws as well as her husband. The petitioner would submit that after her mother had passed way in the year 2009, the father had abandoned her and her siblings and it was her maternal grand mother and maternal uncle, who had taken care of the petitioner as well as her siblings. Since she was suffering cruelty, physical hardship and torture at the hands of her in-laws and husband and as she had conceived by then, she had returned to her parental home namely, the house of the grand mother. She has also thereafter given birth to a male child, by name Nithishkumar on 08.03.2010.

3. Even after the birth of the child, the respondent did not take any steps whatsoever to maintain her or her minor child and she has to depend entirely on her maternal uncle and maternal grand mother for the expenses for herself and for her minor child. While so, she received summons from the Family Court, Trichy informing her that the respondent/husband has filed a petition for divorce on the file of the Family Court, Trichy. The petitioner would submit that



she is residing at Sivakasi and she will have to travel nearly 650 kms up and down to attend every hearing at Trichy, since the matter is pending before the Family Court, which mandates the presence of the parties at every hearing.

4. Taking into consideration the above factors and the fact that the Subordinate Court at Sivakasi is also conferred with the jurisdiction to try the petition for divorce, this Court is inclined to allow this Transfer Civil Miscellaneous Petition.

5. This Court is therefore issuing following directions:

i) The learned Judge, Family Court, Trichy, is directed to transmit the entire records in O.P.No. 98 of 2019 to the file of the Subordinate Court, Sivakasi, Virudhunagar District, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Subordinate Judge, Sivakasi, Virudhunagar District, after obtaining the records on transfer, is directed to dispose of the same as expeditiously as possible in accordance with law.

6. In the result, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

CM

To,

1.The Judge,
Family Court, Trichy.

2.The Subordinate Judge, Sivakasi.

+1 CC to Mr.S.SELVAKUMAR, Advocate (SR-93380[F] dated 21/10/2019)

Tr.C.M.P(MD)No.238 of 2019
and C.M.P. (MD) No.5528 of 2019
17.10.2019